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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the People's Solidarity for Participatory Democracy, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 May 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Declaration on the Right to Peace*

We, civil society organisations of the Republic of Korea, support the efforts of international society and the UN Human Rights Council to realize the right of peoples to peace following the "Declaration on the Right of Peoples to Peace,"[1] adopted by the UN General Assembly in 1984. We hope the result of these efforts, the Draft Declaration on the Right to Peace by the UN Human Rights Council Advisory Committee, will be discussed in depth at both the Human Rights Council and UN General Assembly in the near future.

The right to peace has also been a key agenda in the Republic of Korea. The Asian Human Rights Charter[2] which was adopted in 1998 in Gwangju, Republic of Korea, clearly declared the right of the peoples of Asia to peace. Even though the current Constitution of the Republic of Korea does not explicitly mention the right to peace, peace and human rights organisations in the country have continuously emphasised the right to peace since 2000 in opposition to military bases and exercises. As a result, in 2006, the Constitutional Court of the Republic of Korea made a decision that acknowledged the normative character of the right to peace, defining it as "the right to demand to live in peace without being forced into a war of aggression."[3]

We express our concern that the issue of military bases is not highlighted in the draft declaration on the right of peoples to peace. Various military facilities including military bases, either of own or of a foreign military, have threatened the social and physical safety of residents in surrounding areas. Therefore, local residents' democratic participation in the decision making process on the construction and operation of military bases should be recognised as a part of their right to peace. Even though Article 2(8) of the current draft stipulates that "States should ensure democratic governance of military and related budgets" and presents the principle of arms control in Article 3 "Disarmament", the issue of military bases is not mentioned. In contrast to this, the Santiago Declaration on the Human Right to Peace adopted in 2010 affirmed the necessity of applying the perspective of the right to peace on the issue of military bases, by stating that "States shall adopt effective and coordinated measures in order to progressively phase out their armies and foreign military bases" in Article 7. While recognising that many Asian countries including Japan and the Republic of Korea have suffered from the adverse effects of U.S. military bases, it is crucial to stipulate the issue of military bases in the declaration.

We believe that democratic control over the security sector is key to realizing the right to peace. Among these key factors, access to information and freedom of criticism are critically important to the right for peace. It is clearly confirmed in Article2(8) of the draft declaration on the right of people to peace, ensuring open debate about national and human security needs and policies as well as accountability of decision makers. The Article 8(1) and (2) of the Santiago Declaration on the Human Right to Peace also states "All peoples and individuals have the right to access and to receive information from diverse sources without censorship, in accordance with international human rights law, in order to be protected from manipulation in favour of warlike or aggressive objectives" and "All peoples and individuals have the right to denounce any event that threatens or violates the human right to peace." This shows the core elements of the right to peace and it should not be curtailed when the draft is finalised. In the case of the Republic of Korea, freedom of expression has been severely undermined by laws such as the National Security Act and we hope freedom of expression can be fully protected and promoted by encouraging the right to peace.

We appreciate that the right to conscientious objection to military service is highlighted in the Article 5 of the draft declaration. Since 1980, conscientious objection to military service has been considered as one of the core civil rights by the international society and it should be also recognised as a core right to peace based on its characteristic of opposing war and military exercise. In 2013, the Office of the High Commissioner for Human Rights pointed out that 92.5% of the conscientious objection to military service inmates of the world are imprisoned in the Republic of Korean

[1] UN Doc. A/RES/39/11, Declaration on the Right of Peoples to Peace
[2] Declaration on the Right of Peoples to Peace
[3] Constitutional Court Decision 2005Hunma268, 23 February 2006. Unfortunately, the decision made by the Constitutional Court in 2009 changed its decision in a way to deny the right to peace. (Decision 2007Hunma369, 28 May 2009)

prison.4 As of January 2014, around 700 conscientious objectors to military service are in prison in the Republic of Korea. We note with concern that several governments claimed the right to conscientious objection to military service to be decided by each state or to be excluded from the right to peace declaration because international consent has not made yet.5 We are deplored by the situation as many states do not fully understand and recognise the right to conscientious objection to military service as a fundamental right.

We hope these comments from the civil society of the Republic of Korea can be taken seriously and reflected in the final Declaration on the Right to Peace.

* Friends of Peace, Institute for Law and Human Rights in Society, Korean House for International Solidarity, Peace Network, Pyeongtaek Peace Center NGO(s) without consultative status, also share the views expressed in this statement.

[4] UN Doc. A/HRC/23/22, Analytical report on conscientious objection to military service(Report of the United Nations High Commissioner for Human Rights)

[5] UN Doc. A/HRC/WG.13/1/2, Report of the Open-ended Inter-Governmental Working Group on the Draft United Nations Declaration on the Right to Peace